

### REMARKS

Claims 39 – 55 are in the application, with claim 39 having been amended.

Claim 39 is the independent claim herein. Reconsideration and further examination are respectfully requested.

Line 6 of the Office Action Summary sheet indicates that claims 29 – 55 are rejected. Given that claims 1-38 were removed from consideration, Applicant believes that line 6 was intended to refer to claims 39 – 55. Applicant has proceeded on this basis.

#### Claim Rejections – Double Patenting

Claims 39 – 55 stand rejected under the judicially created doctrine of obvious type double patenting over claims 1 – 38 of US Patent number 5,995,947. In response, Applicant's representative is filing herewith a Terminal Disclaimer over US Patent 5,995,947, which is commonly owned with this application. Accordingly, withdrawal of the double patenting rejection is respectfully requested.

#### Section 102 and 103 Rejections

Claims 39 – 51, 53 and 55 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. patent No. 5,694,207 (Walker *et al.*), and claims 52 and 54 are rejected under 35 USC § 103(a) over Walker *et al.* 5,694,207 in view of Gilles 5,561,797.

Claim 39 recites a transaction server, configured to process loan application on behalf of a broker, lender or borrower. The transaction server includes (1) a database of pending loan applications, (2) a network interface configured to provide communications between the transactions server and at least one client computer associated with a party to one of said pending loan applications, and (3) a lender information generations mechanism configured to generate a loan profile on behalf of a broker, lender or borrower for each loan application. The transaction server also includes (1) a set of program modules each configured to cause the transactions server computer to provide one or more exogenous services to at least one client computer and (2) a role validation mechanism configured to provide access to one or more of the program modules.

This claim recites the use of the transaction server, including a lender information generations mechanism configured to generate a loan profile on behalf of a broker, lender or borrower for each of said loan application. Examples of generating such loan profiles are shown in the text that accompanies figure 1 in the application. These examples include (1) a broker requesting the transaction server to transmit messages to the broker stations whenever a loan profile received a bid having a specific criteria set by the broker, and (2) a lender using the database to sort selected loans by particular desire criteria to bid on loan applications and to be notified when their bids are accepted. The invention is not limited to these examples. The claim also recites a set or program modules each configured to cause the transactions server computer to provide one or more exogenous services to at least one client computer. Examples of exogenous services include credit agencies, desktop underwriting agencies, MIDEX, loan

processing systems, real estate appraisal systems, mortgage insurance agencies and others. The invention is not limited to these specific exogenous services.

The applied Walker reference is believed to be completely silent with respect to the use of a transaction server that includes a lender information generations mechanism configured to generate a loan profile on behalf of a broker, lender or borrower, as recited in claim 39. Indeed, Walker repeatedly emphasizes that his invention is buyer driven, rather than seller driven. This is believed to be completely different from generating loan profiles on behalf of brokers and lenders as claimed herein.

This reference is also believed to be silent with respect to exogenous services of the type recited by claim 39. Exogenous services are defined as services provided by credit agencies, desktop underwriting systems, MIDEX, real estate appraisal systems, insurers and other services. In this regard, the Office Action cited figure 2 (230) for disclosing "a set of program modules .... to provide one or more services". However, this portion of Walker discloses a payment processor. Further examination of Walker discloses that the payment processor 230 supports the transfer and exchange of payments, charges or debits attendant to the method of the apparatus. Clearly, payment services that are attendant to the method in Walker are different from the recited exogenous services that are not attendant to such method.

Gilles (US 5,561,797) is not believed to add anything to remedy the foregoing deficiencies of Walker. Furthermore, it follows that without the exogenous services or the lender information generations mechanism configured to generate a loan profile on behalf of a broker,

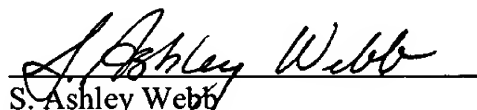
lender or borrower for each of said loan applications, neither Walker or Gilles discloses or suggests claim 39's features.

Request for Allowance

It is believed that this application is in condition for allowance. Reconsideration and early favorable treatment of this application is earnestly solicited. If, in the opinion of the Examiner, an interview would expedite prosecution of this application, the Examiner is invited and requested to call the undersigned agent at the number indicated below.

Respectfully submitted,

10-08-02  
Date

  
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MARKED UP CLAIM

39. A transaction server configured to process loan applications, said transaction server including:

a database of pending loan applications, said database including status information regarding said pending loan applications, said database includes a set of bids associated with each of said loan [application] applications;

a network interface configured to provide communications between the transactions server and at least one client computer associated with a party to one of said pending loan applications;

a lender information generations mechanism configured to generate a loan profile on behalf of a broker, lender or borrower for each of said loan applications;

a set of program modules each configured to cause the transactions server computer to provide one or more exogenous services to said at least one client computer; and

a role validation mechanism configured to provide access to one or more of the set of program modules responsive to said party.